

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION**
April 24, 2007

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Vice-Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Morse, Schaedlich, Siegel, Smith (alt. for Sines), and Messes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, Boyd, and Ms. Myers.

MINUTES

Changes to the minutes from March 27, 2007, were mentioned as follows:

- Public Hearing: Clarification on page one, Article III, Section 10 was needed. It was decided to add “for an easement on the right-of-way for public purposes” to the end of the last sentence.
- Regular Meeting: Page 5, Case #2, paragraph four, should read “Alzheimers”; Page 7, paragraph six, the second sentence should read “state” legislature; Page 7, paragraph seven, should read counsel, not Council; Page 10, Case #8, first paragraph should have roman numerals corrected; and Page 9, Case 7, motion should show Mr. Morse voting “No”.

Ms. Hausch moved to approve the minutes from the public hearing and regular meeting on March 27, 2007 with the corrections as stated and Mr. Schaedlich seconded the motion.

Six voted “Aye”.
Ms. Pesec abstained.

FINANCIAL REPORT

Mr. Adams moved to approve the Financial Report for March, 2007 as submitted. Ms. Hausch seconded the motion.

All voted “Aye”.

LEGAL REPORT

Assistant Prosecutor Eric Condon said he had been asked to attend a meeting of the members to discuss procedures at meetings for standard motions, amendments and framing motions. He asked for any other questions, comments or ideas the Commission wanted to have him look into before the next meeting.

Mr. Adams asked Mr. Condon if the Prosecutor's office was looking into what happens when homeowner associations do not meet their obligations and he was told they were. Mr. Condon believed the actions to be taken in these situations would be case specific.

DIRECTOR'S REPORT

Mr. Webster informed the members that Ms. Truesdell was not here tonight because her father had died in Ashtabula.

The members were reminded of the Ashtabula, Geauga, Lake, and Trumbull Planning and Zoning Workshop 2007 being held on June 1 in the Conference Center at the Geneva State Park. Four of the members were considering attending.

ANNOUNCEMENT

A glowing letter of appreciation was received from Mr. Thomas A. Hilston of the Village of Fairport Harbor Planning Committee and Village Council regarding the presentation the staff had made providing recommendations on a wide range of issues significant to the Village. Mr. Tom Hill will be stopping at the office tomorrow to discuss other ways the staff can be of service to the Village.

SUBDIVISION REVIEW

Concord Township – Commons of Concord, Final Plat and Improvement Plans, 6 Lots

Mr. Radachy presented the final plat and improvement plans for Commons of Concord, formerly known as Concord Commons, in Concord Township. It is located just west of Quail Hollow and south of the Grist Mill development. There are 6 lots off Crile Road with 8.76 acres of land containing a building that would be torn down. This land is currently zoned BX.

Staff recommended approval of the final plat with seven stipulations and the improvement plans with 11 stipulations, and three general comments.

The following are the proposed stipulations and comments for the final plat and improvement plans:

Improvement Plans Proposed Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter

be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*

3. The subdivider shall set all permanent monuments for subplot corners prior to the recording of the subdivision. *Article I Section 4(H)*
4. All permanent monuments for the centerline shall be set prior to recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
5. Any subdivision with a preliminary plan filed after 1/27/04 will be required to have a three- year maintenance bond or surety provided by a subdivider when the subdivision goes into the maintenance phase. The maintenance bond or surety may be divided between improvements approved by the County Engineer and improvements approved by the County Sanitary Engineer. No other divisions of the maintenance bond or surety are acceptable. *Article V Section 8(D)*
6. Easements shall be provided for the poles, wires, conduits, and gas mains. The existing buried electrical cable in the Crile Road ROW shall be moved into the proposed utility easement. *Article IV Section 2(F)*
7. Will the stormwater management basin include developed sublots? *L. C. Engineer*
8. No change in grade may occur inside of the existing sanitary sewer easement. The detention basin shall be outside of the existing sanitary sewer easement. *Lake Count Sanitary Engineer*
9. Subject to detailed review of improvement plans and final plat. *L. C. Engineer*
Final approval could be forthcoming when detailed construction drawings are submitted to the Lake County Department of Utilities for review. *Lake County Sanitary Engineer*
10. The project does contain an erosion and sediment control plan in which approval will be forthcoming once all required permitting information is copied to the District. *LCSWCD*
11. Please note on the plans that the existing overhead canopy and existing sign shall be removed. *Concord Twp.*

Final Plat Proposed Stipulations:

1. The Drainage Easement on sublots 1, 2 and 3 must be in a local service drainage easement. This includes the detention basin. *Article III Section 6(D)(1)(e) and Article III Section 6(D)(3)(k)*
2. The landscape easement shall not be platted over the sanitary sewer easement. *LCPC*

3. The Lake County Sanitary Engineer signs the plat, not the Utilities Department. Change the signature line to Lake County Sanitary Engineer. *Article III Section 6(D)(1)(c)*
4. SBC Ameritech is now AT&T; the signature line shall be changed. Update utility ownerships. *L. C. Engineer*
5. The existing sanitary sewer easement must be released under the proposed right-of-way. This can be done on the final plat. *LCPC*
6. Concord Township Zoning Resolution does not require a 70-foot golf course buffer. Concord Township requires a 50-foot buffer from a residential district and a 20-foot setback from there. The 70-foot golf course buffer should be changed to a 50-foot buffer strip and then a 20-foot setback line. *Article III Section 6(D)(3)(f)*
 - a. Provide language/clarify limitations for 70-foot golf course buffer. *L. C. Engineer*
7. Plat shall include state grid coordinates for Tax Map. *L. C. Engineer*

General Comments:

1. The Lake County Subdivision regulations require that subdivision names not be duplicated or have the same spelling or pronunciation of any other recorded subdivision in Lake County. Commons of Concord meets this rule, but there is some concern from Concord Township on this subdivision's name because of a condominium complex named Concord Commons.
 - a. Concord Township already has a Concord Commons located in its jurisdiction. To eliminate confusion and assure a rapid response to your proposed development and the present Concord Commons, Concord Township Fire Dept. is requesting the name for the development be changed. *Concord Twp. Fire Dept.*
 - b. The name "Commons of Concord" is still too similar to the name of an existing development within the Township and should be changed to avoid confusion in an emergency situation. *Concord Twp.*
2. During the preliminary review process, it was asked that the Crile Road storm sewer be reviewed for adequacy. It was also questioned where the water from the existing rear ditch was going to go and the adequacy of the downstream channel. Upon reviewing these plans, it is apparent that there is no adequate storm sewer on Crile Road. The design engineer has dismissed the question of adequacy of the "storm sewer" by responding that the "proposed detention system will discharge storm water at a lesser rate than before the site improvements". The concern was about the adequacy of the Crile Road storm sewer system. It should be noted that there is a difference between flow rate and flow volume. While flow rate may have been reduced, the flow volume will increase and the division of the ditch on the back to Crile Road will also add volume to the storm

flows.

Without a properly sized downstream storm sewer on Crile, we should be concerned that diverting and increasing storm water volume will create problems along the existing Crile Road ditch and subsequent downstream facilities. *Concord Twp. Service Dept.*

3. Prior to issuance of a final Certificate of Occupancy, the Lake County General Health District shall have granted final approval of a conforming water and sanitary sewerage disposal system. A final Certificate of Occupancy will not be issued by the Lake County Building Department until or unless the Building Official inspects the building or structure and finds no violations of the provisions of the 2005 Ohio Building Code or other laws that are enforced by the Lake County Building Department. No building or structure, *in whole or in part*, shall be used or occupied, until the building official has issued an approval in the form of a certificate of occupancy. *LC Building Dept.*

Mr. Radachy explained that the main issues needing to be addressed tonight on the final plat and improvement plans were:

- The 70-foot golf course buffer should actually be a 50-foot buffer and then a 20-foot setback off the buffer.
- The landscape easement is eight feet into the existing sanitary sewer easement. It needs to be moved off the sanitary sewer easement.
- The existing utility easement on the property in the area of the proposed road will need to be released before the plat is filed.
- The Utilities Department said their easement does not allow for grading inside the easement and the detention pond will need to be moved back off the easement.
- The Concord Township Service Department was requesting a name change because there is currently a Concord Commons Condominium complex off Old Johnnycake Rd. The name change cannot be enforced by the staff because it meets our requirements. Gold Coast is the name of the road and would probably be used in an emergency situation rather than the subdivision name.

Mr. George Hadden of the County Engineer's Office took into consideration the adequacy of the storm sewer on Crile Road and the downstream channel of the existing rear ditch. He responded that the proposed detention system will discharge storm water at a lesser rate than before the site improvements. Mr. Radachy said it will be the Township's responsibility to take the water away from the subdivision.

Mr. Radachy explained there is a drainage easement that runs along the north side of the property that used to be a stream that will take the water into the detention pond and the water will then go along Crile Road. The Concord Township Service Department is concerned that the County Engineer only looked at the flow *rate* and did not take into account the flow *volume* of the water actually running through the Crile Road sewer.

Mr. Schaedlich questioned having the developer change the original application to indicate the location as 7701 Crile Road, not Circle Road. Mr. Radachy suggested this should be stated as an additional stipulation to the developer.

Mr. Schaedlich moved to approve the final plat and improvement plans for the Commons of Concord with eight final plat stipulations, 11 improvement plan stipulations and 3 general comments. The eighth final plat stipulation was being added to have the developer submit a corrected application. Mr. Morse seconded the motion.

All voted "Aye".

Mr. Radachy stated there was no subdivision activity to report this month.

LAND USE AND ZONING REVIEW

Leroy Township – Proposed Text Amendments to Section 30 – Site Plan

Leroy Township is revising the site plan review that they currently have on the books. The Land Use and Zoning Committee recommended approval with the 17 comments/changes suggested below:

1. Revised this section into Leroy Township Zoning Resolution format.
2. In section II, screening should be added to the section that starts out "Promotion of an integrated....."
3. If landscaping integration is an important goal to be achieved through site plan review, then landscaping standards need to be added to section 23.
4. The informal review process is recommended, not required. Submitting to the Zoning Commission should be by mutual agreement between the Township and the applicant.
5. Language should be added to allow the Zoning Inspector to request technical assistance prior to the plan being submitted to the Zoning Commission for informal review.
6. Section V B should read "Documentation of variances must be submitted. Variances shall be granted prior to the application of site plan."
7. Add right-of-way names to C3.
8. In the text, it should read LeRoy Township Zoning Commission.
9. In section VI D, add "if applicable" after Storm Water Management Department. Leroy is currently not a member of the SWMD.
10. Section VI F, Zoning Commission Actions, 1 C. ii and 2 should be moved into a new section titled "Actions by the Developer."
11. Section VI F 3 should be in a section titled "Actions by the Zoning Inspector".
12. Section IV F 4 should be added to section IV F 1 as subsection D.
13. The appeals process is defined by state law, it is not necessary to state in the resolution. Re-submitting a site plan with a proposal with modification is not an appeal. This language should be removed.
14. The text should reference the LeRoy Zoning Inspector as the LeRoy Township Zoning Inspector.
15. Setback information should also be included on the site plan.
16. Move #19, the reference to the Sanitary Engineer providing verification that water and sanitary sewer capacity exists, to #6 and #7, which deal with proposed sanitary and water facilities.
17. Add emergency vehicles have to be taken into consideration when designing a parking lot in design standards section, E 1 b.

Mr. Morse moved to accept the recommendations of the Land Use and Zoning Committee and Ms. Hausch seconded the motion.

All voted “Aye”.

Perry Township – Proposed Text Amendments to Section 409 – Signs

Mr. Siegel stated that he had already confronted the Zoning Commission with some of the items listed in the Land Use and Zoning Committee’s minutes. Mr. Adams recommended that the Perry Township text amendments be sent back to be resubmitted. It was the consensus that, because there was a public hearing scheduled, it would be best to give a recommendation with the 16 potential changes/comments listed below and propose they rewrite this section:

1. It is not a user-friendly code. It is very wordy, sections are repeated (temporary signs language), it contradicts itself at times, and it uses too many legal terms such as thereof, therefore, hereof. Tables and illustrations would help to make this section user friendly.
2. All references to “principle street” should be changed to “public right-of-way or ingress/egress easements” where applicable.
3. It is not necessary to state that compliance is required. It is in the resolution, so it implies required compliance.
4. This text amendment would allow electronic message signs in residential zones. Does the Township wish to allow this?
5. Temporary signs are limited to just construction or reconstruction signs. Temporary signs advertising for sale or lease over 4 sq. ft. and announcing events over 4 sq. ft. are not addressed in the code.
6. The language for signs for libraries, places of worship, museums, social clubs, or societies is being removed. These organizations will be limited to the maximum size in their districts. Residential is 4 sq. ft. The Faith Baptist Church and St. Cyprian’s Church signs will become non-conforming.
7. Loretto Landings and Azalea Ridge both have two entrance signs. The Township should allow two entrance signs without a conditional permit.
8. Conditions for the proposed conditional use should be created for the 2nd and 3rd signs on the property.
9. ORC 519.21 states that the Township cannot put limitations on agriculture. Restrictions on placement for signs for any use are a health and safety issue. But, having the 10 acres and 500 feet would prohibit some farmers from putting up a sign more than 4 sq. ft. and may affect their business.
10. 409.08 B 4a is a blank check. The language would allow one free standing sign for each building or use on the property. (One building, one sign, 10 buildings, 10 signs.)
11. Currently, Perry allows commercial uses in the industrial zones, but owners in the industrial zones are limited to just one sign. This gives an advantage to the owners of commercially zoned land. The Township should use one standard.
12. 403.08 B 4b should be divided into two sections. One for corner lots and one for lots with frontage longer than 500 feet.
13. Currently, Perry allows commercial uses in the industrial zones, but owners in the commercial zones are limited to one sq. ft. of signage per lineal foot. This gives an

advantage to the owners of industrial zoned land. The Township should use one standard.

14. The text should be gender neutral.

15. The Township should create landscaping standards for signs. The current language is vague.

16. Define sign, monument.

Mr. Radachy stated that Perry Township had closed the public hearing on April 17 and did not act on it.

Mr. Condon inquired about a political sign's size being included in this text and was told that it reads that anyone is allowed to put up a four square foot sign regardless of what it says.

Mr. Adams moved to accept the recommendation of staff to not accept the changes submitted by Perry Township by the reasons stated and asked for it to be resubmitted after it has been reconsidered.

Mr. Adams rescinded his motion.

Mr. Adams moved to accept the recommendations of the Land Use and Zoning Committee and staff. Ms. Hausch seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Mr. Webster stated the minutes of the Lake County Coastal Plan Committee were submitted in the handout tonight. The Committee is still pursuing obtaining federal funds to have the Coastal Development Plan implemented.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business

NEW BUSINESS

Ms. Pesec brought up a topic from two meetings ago when the Red Bird Subdivision was discussed. There was a lot of concern of what their wetlands were versus the wetlands that the Lake County Soil and Water Conservation District had seen. It seemed that there were some discrepancies. Prior to that, Soil and Water had recommended to this Board or to staff to put "affirmed wetland delineations" into the Subdivision Regulations. After the subcommittee had reviewed them and talked to the developers, it was thought an affirmed delineation may be too stringent so they went from very stringent to where nothing is required. It looked to her that there may be a middle ground of some type.

Mr. Radachy said they were currently requiring delineated wetlands to be submitted in a preliminary plan, but not affirmed delineated wetlands.

Ms. Pesec asked that a committee be set up to look at some middle ground to determine what actions the Planning Commission could take to handle a large discrepancy in wetland areas between what Soil & Water sees when they are on the ground versus what is shown by the developers on their plans. There may be a way to require an affirmed wetland delineation in this circumstance. As long as people are up front with their applications and are hiring people to present good data and consulting with Soil & Water, there should be no problem at all and no one would be penalized in any way. This is just one possibility.

Mr. Siegel said he had talked with Mr. Brotzman who was agreeable to establishing a committee.

It was stated that the Corps of Engineers is the one to say what areas were to be considered wetlands, but Soil & Water would be the first one to know there was a problem and would request them to look at it.

Mr. Webster stated there was a court case a few years back setting precedence that the U.S. Army Corps of Engineers (Corps) does not have jurisdiction over all wetlands any more, only jurisdictional wetlands. Isolated wetlands are to come under the Ohio Environmental Protection Agency (OEPA), which has a separate set of regulations that are patterned very closely to what the Corps has. The OEPA administers these, but it must go to the Corps first to determine whether or not it is a jurisdictional wetland. There is an agreement between the Lake County Soil & Water Conservation District and the OEPA to do inspections to help make determinations.

Mr. Radachy believed Article I, Section IV D, which states, "in all subdivisions, due regard shall be given to the preservation of historical sites, natural features and water courses" may be able to be used to stipulate that wetlands must be affirmed if Soil & Water tells us a large discrepancy existed between what they saw on the land in question and the information provided by the developer. If this action was taken, the developer would need to have this affirmed before the final plat and improvement plans were submitted. An amendment to a section of the Subdivision Regulations could also be considered to make language stronger concerning wetlands.

Mr. Condon understood, from several meetings he attended, the maps are old and it takes forever to get through them. He saw no problem with letting Soil & Water weigh in. It would just be another factor to consider. He felt this might wind up being an expert's opinion as opposed to what a committee thinks, but it is okay if the Commission wants to have a committee to discuss these items.

Mr. Siegel asked Mr. Matt Scharver of Soil & Water to be on the committee and he accepted. The committee will also consist of Ms. Pesec, Mr. Brotzman and a builder of Mr. Radachy's choice, along with representation from the staff.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Adams moved to adjourn the April 24, 2007 meeting at 7:40 p.m. Mr. Smith seconded the motion.

All voted "Aye".